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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/033,728	Applicant(s) MITCHELL, SLADE	
	Examiner Ngoc K. Vu	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-16 and 35-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-16 and 35-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/4/2007 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/4/2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8, 10, 11, 13, 35-37, 43, 44, 46, 47, and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 7,051,357 B2) in view of Williams et al. (US 5,945,988 A) and further in view of Allport (US 6,097,441 A).

Regarding claim 6, Carr teaches an interactive video casting system (see figures 1A-2), comprising:

a headend (12, 14) having a multiplexer (102) to multiplex a plurality of input television signals (via 24) for a corresponding plurality of television channels (see col. 6, lines 36-43), wherein at least some of the television signals are accompanied by supplemental content (i.e., enhancement data) including trigger information associated with respective television channels (see col. 6, lines 43-45; col. 8, lines 14-16);

a trigger processor (106) coupled to the multiplexer (102) to obtain the trigger information from at least some of the television channels (see col. 4, lines 16-19 and col. 6, lines 43-47); and

a storage unit (113) coupled to the headend to store the trigger information obtained by the trigger processor from the television channels (see col. 7, lines 7-9).

Carr does not explicitly teach the system is configured and arranged to allow the user to individually identify as a user preference one or more television channels, from the plurality of television channel. However, Williams's system comprises user preferences including information user preferred television channels and/or programs to allow the system providing the targeted channels/programs that are particularly relevant or of particular interest to the user. For example, user profile database includes a profile for a particular user "Joe User", Joe User's favorite television channel is channel 2; he prefers watching sports-type programming...etc. See col. 5, line 31 to col. 6, line 7; col. 6, lines 46-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by allowing the user to individually identify as a user preference one or more television channels/programs, from the plurality of television channels as taught by Williams in order to effectively provide the targeted channels/programs that are particularly relevant or of particular interest to the user.

Carr does not explicitly disclose sending the obtained trigger information to a remote device for storage on the remote device. However, Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site

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or a lists of web sites, to a remote device via a base station unit to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

Regarding claim 7, Carr further teaches that the system comprises a server (18) coupled to the trigger processor (106) to provide the obtained trigger information from all of the television channels to a client terminal (16, 17 or 19) (see col. 7, lines 7-9 and 20-22 and figure 2).

Regarding claim 8, Carr further teaches that trigger processor is coupled to provide the obtained trigger information to the client terminal (16, 17 or 19), the client terminal being capable to tune a first channel to receive a television signal therein and to tune to a second channel (via non-A/V channel) to receive the obtained trigger information unrelated to the television signal received via the first channel (via A/V channel) (see col. 6, lines 61-64; col. 7, lines 52-61; col. 10, lines 5-21; figure 3B).

Regarding claim 10, Carr further teaches that the trigger processor provides the trigger information to the client terminal via by way of a cable modem connection (via 112) (see col. 7, lines 1-4).

Regarding claim 11, the combined teaching of Carr and Allport further includes that the headend is coupled to receive an instruction from the remote device (receiving a request from the remote device 10 via base station unit) to obtain and store trigger information from a television program in a particular television channel that is tuned to prior to tuning to another television channel (since providing the trigger information to access to web site related to the program in a particular channel being broadcast) (see Allport: col. 9, lines 36-45 and col. 12, lines 12-34; Carr: figure 2).

Regarding claim 13, the combined teaching of Carr and Allport further includes that the headend receives instruction from the remote device (receiving a request from the remote

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device 10 via base station unit) to obtain and store trigger information associated with a particular television channel while the client terminal (base station unit) located proximate to the remote device (10) is tuned to a television signal on a different television channel (since providing the trigger information to access to web site related to the program in a particular channel being broadcast) (see Allport: col. 9, lines 36-45; col. 12, lines 12-34; Carr: figure 2).

Regarding claim 35, Carr teaches an interactive video casting system (see figures 1A-2), comprising:

a broadcast center (12, 14) having a multiplexer (102) to multiplex a plurality of input television signals (via 24) for a corresponding plurality of television channels (see col. 6, lines 36-43), wherein at least some of the television signals are accompanied by supplemental content (i.e., enhancement data) including trigger information associated with respective television channels (see col. 6, lines 43-45; col. 8, lines 14-16);

a trigger processor (106) coupled to the multiplexer (102) to obtain the trigger information from at least some of the television channels (see col. 4, lines 16-19 and col. 6, lines 43-47); and

a storage unit (113) coupled to the headend to store the trigger information obtained by the trigger processor from the television channels (see col. 7, lines 7-9),

wherein a client terminal (16, 17 or 19) for a television for the interactive video casting system is coupled to present supplemental content corresponding to trigger information on the television, wherein the television includes a screen to display supplemental content available from the interactive video casting system (see col. 2, lines 45-48),

wherein the client terminal is capable of being communicatively coupled to the interactive video casting system to receive the trigger information (triggers from the enhancement data) from the interactive video casting system and is coupled to present at least

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some of the supplemental content on the screen of the television in addition to television signals (A/V contents) from television channels (see col. 8, lines 14-20; see col. 2, lines 45-48),

wherein the interactive video casting system includes a plurality of content sources (A/V content source and enhancement data source) communicatively coupled to a plurality of broadcast centers (within content creator 12), wherein the broadcast centers are coupled to storage mediums to store at least some of the supplemental content to be made available to the client terminal (16, 17 and 19) (see col. 2, lines 27-33).

Carr does not explicitly teach the system is configured and arranged to allow the user to individually identify as a user preference one or more television channels, from the plurality of television channel. However, Williams's system comprises user preferences including information user preferred television channels and/or programs to allow the system providing the targeted channels/programs that are particularly relevant or of particular interest to the user. For example, user profile database includes a profile for a particular user "Joe User", Joe User's favorite television channel is channel 2; he prefers watching sports-type programming...etc. See col. 5, line 31 to col. 6, line 7; col. 6, lines 46-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by allowing the user to individually identify as a user preference one or more television channels/programs, from the plurality of television channels as taught by Williams in order to effectively provide the targeted channels/programs that are particularly relevant or of particular interest to the user.

Carr does not explicitly disclose sending the obtained trigger information to a remote device for storage on the remote device. Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and

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figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site or a lists of web sites, to a remote device via a base station unit to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

Regarding claim 36, Carr teaches that the system includes satellite delivery system (see col. 2, lines 39-45).

Regarding claim 37, Carr teaches that the interactive video casting system comprises an interactive television system (since the television system provides ancillary information associated with a plurality of audio/video programs. For example, a viewer may be represented with the option of viewing advertisements, educational information, and so forth, while watching regular television programming. See col. 1, lines 29-54).

Claim 43 is similar to claim 6, except that instead of television channels, television programs are individually identifiable as a user preference. Claim 43 is rejected for the same reasons as addressed in claim 6 above.

Regarding claims 44, 46 and 47, see rejections of claims 8, 10, and 11, respectively.

Claim 52 is similar to claim 35, except that instead of television channels, television programs are individually identifiable as a user preference. Claim 52 is rejected for the same reasons as addressed in claim 35 above.

Regarding claims 53-54, see rejections of claims 36-37, respectively.

4. Claims 9, 12, 14, 45, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 7,051,357 B2) in view of Williams et al. (US 5,945,988 A) and further in view of Allport (US 6,097,441 A) and Ullman et al. (US 6,018,768 A).

Regarding claim 9, the combined teaching of Carr and Allport further includes providing the trigger information to the remote device. It is noted that the remote device in Allport's system can connect to an outside data source such as Internet via one of the ports (see col. 15, lines 58-61). Both fails to teach providing trigger information to the remote device by the way of a communication link independent of the client terminal. However, Ullman teaches sending URLs to remote device (PC 16) directly from server to allow user retrieving the web pages associated with television program (see col. 6, lines 60-63; col. 9, lines 4-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr and Allport by directly sending URLs to remote device from server as taught by Ullman in order to reduce cost.

Regarding claims 12 and 14, the combined teaching of Carr, Williams and Allport fails to teach providing trigger information based on viewer preferences. However, Ullman teaches sending trigger information or URLs to user based on user profile (see col. 7, lines 12-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Carr, Williams and Allport by providing trigger information or URLs based on viewer preferences as taught by Ullman in order to provide Internet information relevant to user's interest.

Claims 45, 48 & 49, see rejections of claims 9 and 12 & 14, respectively.

5. Claims 15, 16, 38-42, 50, 51 and 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 7,051,357 B2) in view of Williams et al. (US 5,945,988 A) and further in view of Allport (US 6,097,441 A) and Banker et al. (US 5,485,221 A).

Regarding claims 15 and 16, Carr teaches a client terminal coupled to a television (see Carr: col. 2, lines 45-48). The combined system of Carr and Allport fails to teach sending non-programming-related trigger information that is to be provided to the client terminal via an

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override channel. However, Banker discloses sending data such as stock quote via a scrambler to subscribers (see col. 7, lines 35-43 and figure 1A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Carr and Allport by sending non-programming-related trigger information, i.e., stock quote, via a scrambler to the client terminal as taught by Banker in order to effectively enhance television services.

Regarding claims 38-42, Carr teaches an interactive video casting system (see figures 1A-2), comprising:

a broadcast center (12, 14) having a multiplexer (102) to multiplex a plurality of input television signals (via 24) for a corresponding plurality of television channels (see col. 6, lines 36-43), wherein at least some of the television signals are accompanied by supplemental content (i.e., enhancement data) including trigger information associated with respective television channels (see col. 6, lines 43-45; col. 8, lines 14-16);

a trigger processor (106) coupled to the multiplexer (102) to obtain the trigger information from at least some of the television channels (see col. 4, lines 16-19 and col. 6, lines 43-47); and

a storage unit (113) coupled to the headend to store the trigger information obtained by the trigger processor from the television channels (see col. 7, lines 7-9),

wherein a client terminal (16, 17 or 19) for a television for the interactive video casting system is coupled to present supplemental content corresponding to trigger information on the television, wherein the television includes a screen to display supplemental content available from the interactive video casting system (see col. 2, lines 45-48),

wherein the client terminal is capable of being communicatively coupled to the interactive video casting system to receive the trigger information (triggers from the

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enhancement data) from the interactive video casting system and is coupled to present at least some of the supplemental content on the screen of the television in addition to television signals (A/V contents) from television channels (see col. 8, lines 14-20; see col. 2, lines 45-48),

wherein the interactive video casting system includes a plurality of content sources (A/V content source and enhancement data source) communicatively coupled to a plurality of broadcast centers (within content creator 12), wherein the broadcast centers are coupled to storage mediums to store at least some of the supplemental content to be made available to the client terminal (16, 17 and 19) (see col. 2, lines 27-33).

Carr does not explicitly teach the system is configured and arranged to allow the user to individually identify as a user preference one or more television channels, from the plurality of television channel. However, Williams's system comprises user preferences including information user preferred television channels and/or programs to allow the system providing the targeted channels/programs that are particularly relevant or of particular interest to the user. For example, user profile database includes a profile for a particular user "Joe User", Joe User's favorite television channel is channel 2; he prefers watching sports-type programming...etc. See col. 5, line 31 to col. 6, line 7; col. 6, lines 46-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by allowing the user to individually identify as a user preference one or more television channels/programs, from the plurality of television channels as taught by Williams in order to effectively provide the targeted channels/programs that are particularly relevant or of particular interest to the user.

Carr does not explicitly disclose providing the trigger information to a remote device for storage on the remote device. Allport teaches providing trigger information, i.e., web site or a lists of web sites, to a remote device 10 via a base station unit 75 to allow user to browse the

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web site(s) on the remote device 10 (col. 10, lines 9-11; col. 12, lines 29-38 and figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Carr by providing trigger information, i.e., web site or a lists of web sites, to a remote device via a base station unit to allow user accessing the web site(s) from the remote device as taught by Allport in order to browse the web site(s) on the remote device without affecting or interfering with the primary TV display.

The system of Carr includes a trigger inserter (within 12) coupled to the multiplexer to provide trigger information (enhancement data) and television content (see col. 2, lines 27-33). The combined system of Carr, Williams and Allport fails to teach providing non-programming-related trigger information to the client terminal via an override channel. However, Banker discloses sending data such as stock quote via a scrambler to subscribers (see col. 7, lines 35-43 and figure 1A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Carr, Williams and Allport by sending non-programming-related trigger information, i.e., stock quote, via a scrambler to the client terminal as taught by Banker in order to effectively enhance television services.

Claims 50 and 51, see rejections of claims 15 and 16.

Claim 55 is similar to claim 38, except that instead of television channels, television programs are individually identifiable as a user preference. Claim 55 is rejected for the same reasons as addressed in claim 38 above.

Claims 56-59, see rejections of claims 39-42.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ngoc Vu/
NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

July 16, 2007